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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/661,178 | 09/12/2003 | Fredric Louis Abrams | MTY 065 P2 CI-3 | 8293 |
| 34232 | 7590 | 06/27/2007 | | |
| MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419 | | | EXAMINER WOLLSCHLAGER, JEFFREY MICHAEL | |
| | | | ART UNIT 1732 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/661,178

Applicant(s)

ABRAMS ET AL.

Examiner

Jeff Wollschlager

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 83, 84, 87, 94 and 95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83, 84, 87, 94 and 95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

It is noted for the record that Examiner Wollschlager has assumed responsibility for this application from Examiner Eashoo.

Response to Amendment

Applicant's amendment to the claims filed April 16, 2007 has been entered. Claims 83, 87, 94 and 95 are currently amended. Claims 85 and 86 have been canceled. Claims 83, 84, 87, 94 and 95 are currently pending and under examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 83, 87, 94 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US 3,504,063) in view of Hawley (US 5,165,941) and any one of Arahara (US 5,160,462) or Lawrence et al. (3,057,018) or Hara (US 5,424,020).

Regarding claims 83, 87, 94 and 95, Lemelson teaches the basic claimed process of: situating a plastic sheet, having decoration/printing thereon, into a mold (9:55-10:75); adding a molding material to a mold and compression molding (3:35-70); and wherein the plastic sheet becomes an integral part of the surface of the molded article (3:35-70). Lemelson further teaches that the plastic sheet is printed/decorated on either or both sides of the sheet which is placed against that mold, therefore it is inherent that the decorated or printed surface of the sheet faces away from the molded part.

Lemelson does not teach forming the molding material into a billet prior to molding. Nonetheless, Hawley teaches forming the molding material into a billet and prior to molding for compression molding (1:5-20, 2:1-15 and 5:15-30). Hawley further teaches processing a molding material in the range of 400-700°F, depending upon the particular material used (8:30-40). Lemelson and Hawley are combinable because they are concerned with a similar technical difficulty, namely, compression molding. At the time of invention a person of ordinary skill in the art would have found it obvious to have formed the molding material into a billet prior to molding, as taught by Hawley, in the process of Lemelson, and would have been motivated to do so because Hawley suggest that such billet forming step allows an equivalent and alternative means for loading a compression mold.

Lemelson does not teach forming a generally planar part, but does generally teach that the mold is shaped to define the shape of the article molded (col. 3, lines 35-40). However, each of Arahara (Figures 1-4), Lawrence (Figure 8), and Hara (Figures 4A and 4B) individually exemplify and illustrate examples of analogously molded articles having a planar part employing a corresponding generally planar mold part. Furthermore, parts of various shapes and sizes are well known in the molding art.

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At the time of invention a person of ordinary skill in the art would have found it obvious to have formed a part in a particular shape and size, as is commonly practiced in the art as exemplified and illustrated by any of Arahara, Lawrence or Hara, in the process of Lemelson, and would have been motivated to do so in order to provide a consumer molded part in a shape and size required for the parts end use.

Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US 3,504,063) in view of Hawley (US 5,165,941), and any one of Arahara (US 5,160,462) or Lawrence et al. (3,057,018) or Hara (US 5,424,020), as applied to claims 83, 87, 94 and 95 above, and still further in view of Jameson (US 5,238,633).

Regarding claim 84, the combination teaches the method as set forth above. Lemelson does not teach shredding a contaminated polymer and using it as a molding material. Nonetheless, Jameson teaches shredding a contaminated polymer and using it as a molding material (1:5-20, 2:1-15 and 5:15-30). Lemelson and Jameson are combinable because they are concerned with a similar technical difficulty, namely, providing a molten resin to a molding device. At the time of invention a person of ordinary skill in the art would have found it obvious to have shredded a contaminated polymer and used it as a molding material, as taught by Jameson, in the process of Lemelson, and would have been motivated to do so in order to use lower cost materials (i.e. economic benefit).

Response to Arguments

Applicant's arguments filed April 16, 2007 have been fully considered, but are moot in view of the new grounds of rejection necessitated by the amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Wollschlager whose telephone number is 571-272-8937. The examiner can normally be reached on Monday - Thursday 7:00 - 4:45, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JW

Jeff Wollschlager
Examiner
Art Unit 1732

June 21, 2007


CHRISTINA JOHNSON
SUPERVISORY PATENT EXAMINER
6/25/07